

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

REBECCA KUJAWA,)
Special Administrator of the)
Estate of John Kujawa, Deceased,)
)
Plaintiff,)
)
Vs.)
)
HOSPITAL SISTERS HEALTH)
SYSTEM (HSHS), d/b/a Saint Anthony's)
Memorial Hospital of Effingham, IL,)
And DR. JEFFREY JENSON,)
)
Defendants.)

No. 15- 225

JURISDICTION

Jurisdiction is pursuant to the Diversity of Citizenship, Title 28, U.S.C. Section 1332.

Plaintiff lives in the State of Tennessee and both Defendants are residents of the State of Illinois.

COMPLAINT

COMES NOW the Plaintiff, Rebecca Kujawa, by and through her attorneys, John J. Hopkins & Associates, P.C., and for their causes of action against Defendants Hospital Sisters Health System (HSHS) and Dr. Jeffrey Jenson, states as follows:

COUNT I - MEDICAL MALPRACTICE

1. That Rebecca Kujawa brings this action as Administrator of the Estate of John Kujawa, having been duly appointed as the administrator of the Estate of John M. Kujawa on December 20, 2012, by the Circuit Court of Jefferson County, Illinois.
2. The Defendant, **Hospital Sisters Health System (HSHS) d/b/a Saint Anthony's Memorial Hospital of Effingham, Illinois**, was a corporation, and at all times herein

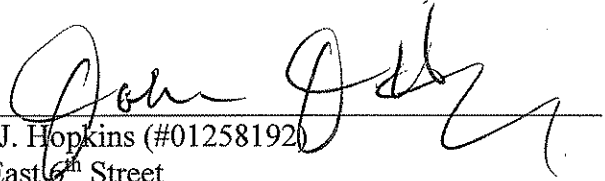
mentioned, was in the business of operating a medical facility in Effingham of Effingham County, Illinois.

3. That on or about December 5, 2012, Plaintiff's late husband, John Kujawa, presented himself to the agents and/or employees of defendant, HSHS for treatment at that time.
4. That specifically, decedent's estate was to have a second in a series of replacement knee implants, under the supervision of the physicians and staff at St. Anthony's Memorial Hospital of Effingham, Illinois.
5. During said time defendant, HSHS through its agents and/or employees, failed to follow the proper standard of care standard of care within the medical community for medical treatment and were negligent and careless in one or more of the following ways:
 - a. Failed to provide Mr. and Mrs. Kujawa with information concerning his moderate to high risk for deep venous thrombosis and pulmonary embolus when they indicated they did not wish to continue with Lovenox but rather start Coumadin;
 - b. Failed to advocate for Mr. Kujawa by providing adequate patient teaching regarding anticoagulation and Lovenox therapy;
 - c. Failed to appreciate that upon discharge, Mr. Kujawa was not at a therapeutic INR;
6. As a direct and proximate result of said negligence of the defendant, HSHS d/b/a St. Anthony's Memorial Hospital of Effingham, Illinois, a corporation, the Decedent, John Kujawa, then and there caused to develop thrombolytic disease which caused his death by pulmonary embolus.
7. That as a direct and proximate result of the negligent actions of the Defendant, the Estate of John M. Kujawa has been deprived of his society, care, and comfort, all to their substantial pecuniary loss.

8. Attached hereto are an Affidavit of Counsel (See Exhibit A) and an Affidavit pursuant to 735 ILCS 5/2-622 (See Exhibit B).
9. This case was previously dismissed pursuant to Illinois State Law on February 11, 2015. It is now being refiled pursuant to statute.

Wherefore, Plaintiff, Rebecca Kujawa, prays for judgment against the **Defendant, HSHS d/b/a Saint Anthony's Memorial Hospital of Effingham, Illinois**, a Corporation, in an amount in EXCESS of FIFTY THOUSAND DOLLARS (\$50,000.00), and costs, as provided for by statute.

JOHN J. HOPKINS & ASSOCIATES, P.C.



John J. Hopkins (#01258192)
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ATTORNEYS FOR PLAINTIFF

COUNT II - MEDICAL MALPRACTICE

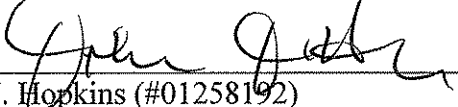
COMES NOW Rebecca Kujawa, by and through her attorneys, John J. Hopkins & Associates, P.C., and for her cause of action against **Dr. Jeffrey Jenson**, states as follows:

1. The Defendant, Jeffrey Jenson, M.D., was and is at all times herein mentioned a licensed medical doctor, practicing in Effingham County, Illinois.
2. That at a time prior to December 2012, the Defendant had a physician-patient relationship with Plaintiff's Decedent, John M. Kujawa; that this relationship continued throughout the entire time of decedent's hospitalization at St. Anthony's Memorial Hospital in Effingham, Illinois.
3. That during the hospitalization of December 2012, the Defendant, Dr. Jeffrey Jenson, was assigned the task of post-surgical follow-up with Plaintiff's decedent, specifically thrombolytic care following his knee replacement surgery.
4. During said time defendant, Jeffrey Jenson, M.D., failed to act as would a reasonably prudent physician under the circumstances and was negligent and careless in one or more of the following ways:
 - a. Negligently and carelessly failed to appreciate that Mr. Kujawa had not received Lovenox for two days, and was at a sub therapeutic level INR prior to discharge;
 - b. Negligently and carelessly failed to continue Lovenox when changing to Coumadin until the INR was at a therapeutic level;
 - c. Negligently and carelessly failed to provide Mr. & Mrs. Kujawa with informed consent regarding the changing of Lovenox to Coumadin, prior to discharge;
5. As a direct and proximate result of said negligence and carelessness of the defendant, the Decedent, John Kujawa, then and there was caused to develop thrombolytic disease which caused his death by pulmonary embolus in December 2012.

6. Attached hereto are an Affidavit of Counsel (See Exhibit A) and an Affidavit pursuant to 735 ILCS 5/2-622 (See Exhibit B).

Wherefore, Plaintiff, Rebecca Kujawa, prays for judgment against the **Defendant, Jeffrey Jenson, M.D.**, in an amount in EXCESS of FIFTY THOUSAND DOLLARS (\$50,000.00), and costs, as provided for by statute.

JOHN J. HOPKINS & ASSOCIATES, P.C.



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ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
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REBECCA KUJAWA,
Special Administrator of the
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Plaintiff,

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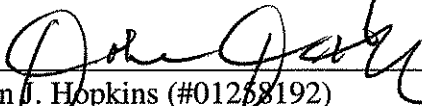
Defendants.

AFFIDAVIT

COMES NOW Affiant, John J. Hopkins, having first been duly sworn upon his oath, and pursuant to Supreme Court Rules, hereby states that the above-entitled action claims more than FIFTY THOUSAND DOLLARS (\$50,000.00).

Further, Affiant sayeth not.

JOHN J. HOPKINS & ASSOCIATES, P.C.


John J. Hopkins (#01288192)

500 East 6th Street

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Alton IL 62002

(618) 655-9600 Phone

(618) 655-9690 Fax

ATTORNEYS FOR PLAINTIFF

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 27th day of February, 2015.


Notary Public

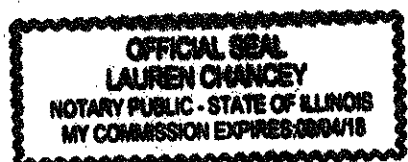


EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

REBECCA KUJAWA,
Special Administrator of the
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Plaintiff,

Vs.

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HOSPITAL SISTERS HEALTH
SYSTEM (HSHS), d/b/a Saint Anthony's
Memorial Hospital of Effingham, IL,
And DR. JEFFREY JENSON,

Defendants.

AFFIDAVIT PURSUANT TO 735 ILCS 5/2-622

COMES NOW Affiant, John J. Hopkins, having first been duly sworn upon his oath, and states as follows:

1. That Affiant is the attorney for the Plaintiff, Rebecca Kujawa, and has filed a cause of action on behalf of said Plaintiff against Hospital Sisters Health System (HSHS) d/b/a Saint Anthony's Memorial Hospital of Effingham, Illinois and Dr. Jeffrey Jenson.

2. That the aforesaid cause of action seeks damages proximately caused by the negligence of the Defendants who provided medical services to the Plaintiff's husband.

3. That the Plaintiff has not previously voluntarily dismissed an action based upon the same or substantially the same acts, omissions, or occurrences.

4. That in compliance with Illinois Compiled Statutes Annotated, Chapter 735 ILCS 5/2-622, Affiant has consulted and reviewed the facts of the above-styled case with a health professional who Affiant reasonable believes: (1) is knowledgeable in the relevant issues involved

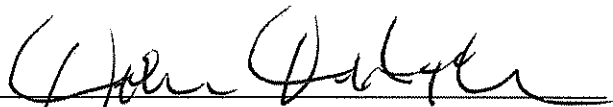
in this particular action; (2) is a licensed physician; (3) is qualified by experience; and (4) practices or has practiced within the last six (6) years or teaches or has taught within the last six (6) years in the same area of health care or medicine that is at issue in the particular action.

5. That the reviewing physician/consultant has determined in a written report (a copy of which is attached hereto and incorporated herein by reference), after review of the medical records and other relevant material involved in the particular action, that there is a reasonable and meritorious cause for the filing of such action.

6. That Affiant has concluded, on the basis of the reviewing physician's review and consultation, that there is a reasonable and meritorious cause for the filing of the instant action.

Respectfully submitted,

JOHN J. HOPKINS & ASSOCIATES, P.C.



John J. Hopkins (#01258192)
500 East 6th Street
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(618) 655-9600 Phone
(618) 655-9690 Fax
ATTORNEYS FOR PLAINTIFF

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 27th day of February, 2015.



Notary Public

November 1, 2014

I am a physician licensed by the State of Illinois to practice medicine in all of its branches. I am board-certified in Internal Medicine. I am familiar with the standard of care as it existed in December of 2012. I have reviewed the pertinent medical records regarding Mr. John Kujawa, including his treatment at St. Anthony's Health Center in Effingham, Illinois in December of 2012, as well as the Coroner's Report, Death Certificate, and Autopsy Report. Based upon my review of this material, it is my opinion, which I hold to a reasonable degree of medical certainty, that there is a reasonable and meritorious cause for filing of a medical negligence action against Doctor Jeffery Jenson.

Dr. Jeffery Jenson deviated from the standard of care in his treatment of Mr. Kujawa in the following respects:

- 1) He failed to appreciate that Mr. Kujawa had not received Lovenox for two days, and was at a sub-therapeutic level INR prior to discharge.
- 2) He failed to continue Lovenox when changing to Coumadin until the INR was at a therapeutic level.
- 3) He failed to provide Mr. & Mrs. Kujawa with informed consent regarding the changing of Lovenox to Coumadin, prior to discharge.
- 4) That a reasonably prudent practitioner would have so informed Mr. & Mrs. Kujawa of the consequences of changing from Lovenox to Coumadin, prior to discharge.

These deviations from the standard of care caused or directly contributed to causing Mr. Kujawa to develop thrombolytic disease, and caused his death by pulmonary embolus.

Robert L. Holstein, MD
3660 Grove Street
Skokie, IL 60076

November 1, 2014

I am a physician licensed by the State of Illinois to practice medicine in all of its branches. I am board-certified in Internal Medicine. I am familiar with the standard of care as it existed in December of 2012. I have reviewed the pertinent medical records regarding Mr. John Kujawa, including his treatment at St. Anthony's Health Center in Effingham, Illinois in December of 2012, as well as the Coroner's Report, Death Certificate, and Autopsy Report. Based on my review of the material, it is my opinion, which I hold to a reasonable degree of medical certainty, that there is a reasonable and meritorious cause for filing of a medical negligence action against St. Anthony's Health Center of Effingham, Illinois.

St. Anthony's Health Center of Effingham, Illinois deviated from the standard of care by and through its personal, in their care and treatment of Mr. John Kujawa in the following respects:

- 1) They failed to provide Mr. and Mrs. Kujawa with information concerning his moderate to high risk for deep venous thrombosis and pulmonary embolus when the indicated they did not wish to continue with the Lovenox but rather start Coumadin.
- 2) They failed to advocate for Mr. Kujawa by providing adequate patient teaching regarding anticoagulation and Lovenox therapy.
- 3) They failed to appreciate that upon discharge, Mr. Kujawa was not at a therapeutic INR.

These deviations from the standard of care caused or directly contributed to causing Mr. Kujawa to develop thrombolytic disease, and caused his death by pulmonary embolus.

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